

II. Remarks

Claims 1-14 and 16-21 were pending in this application and have been rejected. By this paper, the Applicants amends claims 1 and 7 to more particularly point out and clarify Applicants' invention. After these amendments, claims 1-14 and 16-21 will be pending.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Rejection under 35 U.S.C. § 112

Claims 1-14 and 16-21 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner rejected claims 1 and 7 for including the phrase "without causing a substantial passenger's oppressive sensation caused by a fastened condition of the seat belt."

Claims 1 and 7 have been amended to eliminate the language " wherein the first torque generating system is configured to rotate the spindle in the winding direction so that a predetermined tension is generated in the webbing" and "corresponding to the preset torque setting is capable of positioning the seat belt for restricting a passenger seated in a seat without causing a substantial passenger's oppressive sensation caused by a fastened condition of the seat belt". Claims 1 and 7 now recite that the "torque generated by the first torque generating system is capable of restricting a passenger seated in a seat, but incapable of completely winding up the webbing." Support for this language may be found in paragraph [0097], lines 14-20, of the Applicants' application

as filed and in numerous other recitations. Accordingly, the Applicants submit that the rejections of claims 1 and 7 are traversed. Moreover, since the rejections of dependent claims 2-6, 8-14, and 16-20 stemmed from the disputed claim language of independent claims 1 and 7, the Applicants submit that the rejections of claims 2-6, 8-14, and 16-20 are traversed. Accordingly, the Applicants believe that all claims satisfy 35 U.S.C. § 112, first paragraph.

Claims 1-14 and 16-21 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner noted errors in antecedent bases in claims 1, 4, and 7.

As claim 1 has been amended to eliminate the term “preset torque setting”, Applicants believe that the indefinite article used in claim 4 is now proper. Claim 7 has also been amended to eliminate the term. Accordingly, Applicants believe that all defects under 35 U.S.C. § 112, second paragraph, have been cured.

Rejections under 35 U.S.C. § 103

Claims 1-4, 16 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication Number 2002/0189880 issued to Tanaka, et al. (“Tanaka”) in view of U.S. Patent Number 6,499,554 issued to Yano, et al. (“Yano”).

Applicants believe that the different torque settings of the first and second torque generating systems are not disclosed in any of the prior art documents.

Because none of the prior-art documents deal with a first and a second torque-generating device operating at the same time, no considerations are made comparing the torques of these torque generating devices.

Amended claims 1 and 7 recite that “the torque generated by the first torque generating system is configured to be lower than the torque generated by the second torque generating system when each are correspondingly transmitted to the spindle, the first torque generating system generating a lower rotary speed of the spindle than the second torque generating system.” Support for this language may be found in paragraph [0018] of the Applicants’ application as filed and in numerous other recitations.

Contrarily, Tanaka and Yano, even in combination, fail to teach or suggest each and every limitation of claims 1 or 7, as amended. Tanaka teaches a seat belt retractor 1 comprising at least a spool 4 for winding a seatbelt webbing 3, a spring means 14 for constantly urging the spool 4 in the belt winding direction and for winding the seatbelt webbing 3. See Tanaka at paragraph [0038] and FIG. 4. According to Tanaka, the spring means 14 generates sufficient torque to store the entire seatbelt webbing 3 on the spool 4 when a passenger is not wearing the seatbelt. See *id.* at paragraphs [0038] and [0061]. Tanaka teaches that a motor 10 assists in seatbelt retraction only if the characteristics of the spring change. See *id.* at paragraphs [0061]-[0062]. Tanaka's spring is not configured to generate a lower torque than the electric motor. The spring may weaken due to wear over time, but that is not part of the configuration.

Tanaka is silent as to the torque generated by the spring as configured compared to the electric motor. Yano also fails to teach or suggest the limitation noted as being

absent from Tanaka. Like Tanaka, Yano teaches a seat belt retractor 1 comprising at least a reel 4 for winding the seat belt 3 and a spring means 14 for urging the reel 4 in the winding direction of the seat belt. See Yano at col. 9, lines 20-43. Furthermore, the spring means 14 generates a sufficient torque to reliably wind the seat belt on the reel 4 when the seat belt is not in use. See *id.* at col. 15, lines 63-67. Yano is silent on the winding speeds achieved by the individual torque generating systems. But Yano does mention a speed reducing gear for the motor-driven second torque generating system (see col. 13, lines 57-67). While making no considerations for the winding speed of the winding spring, Yano rather lowers the winding speed of the motor. Yano's teachings do not make it obvious to configure the torque values of the first and second torque generating systems in a way that the second, motor-driven torque generating system winds the belt faster than the first, spring-driven torque generating system.

Therefore, since neither Tanaka nor Yano, nor a combination of Tanaka and Yano, teaches or suggests the limitation that the first torque generating system is configured to wind the belt at a slower speed than the second torque generating system, the Applicants submit that claim 1 is now in a condition for allowance. Therefore, Applicants believe that all claims are in condition for allowance.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

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